

REMARKS

No claims have been amended by this Response. The pending claims are claims 1-10, 12 and 15-24.

Summary of Office Action

In the Office Action, claims 1-7, 9, 10, 12 and 15-22 stand rejected as allegedly rendered obvious from the combination of Harrah (U.S. 6,498,355) in view of Komoto (U.S. 6,340,824), and further in view of Ruhnau (U.S. 6,900, 511). Claims 8, 23 and 24 stand rejected from the aforementioned combination in further combination of either Jackson (U.S. 6,800,930) or Stopa (U.S. 6,318,886).

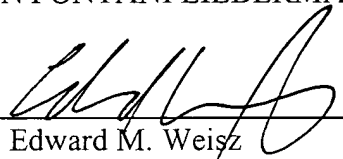
Ruhnau (U.S. 6,900,511)

The Office Action points out that Ruhnau has a common inventor with the instant application and that Ruhnau constitutes prior art under 35 U.S.C. §102(e). It is noted that Ruhnau has a U.S. application filing date of June 27, 2003 and claims priority from a German application having a filing date of June 28, 2002. Under 35 U.S.C. §102(e) the date for prior art purposes of Ruhnau is the U.S. filing date of June 27, 2003. The 102(e) date is not the foreign application priority date of June 28, 2002. (See MPEP 706.02(f) (1) I, and flow charts in III). In contrast, the subject application was filed in the U.S. on November 23, 2005 as a national stage of a PCT application filed on September 29, 2003. The PCT application claims priority from a German application filed on November 30, 2002 -- a date prior to the June 27, 2003 prior art date of Ruhnau under 35 U.S.C. §102(e). Enclosed herewith is a certified English translation of German priority

application No. DE 102 45 930 which supports the subject matter of the presently pending claims, (See, for example, page 2, lines 25-35).

Because the subject matter of the priority German application supports the pending claims and the filing date of the priority German application precedes the 102(e) date of Ruhnau, it is respectfully submitted that Ruhnau is not eligible for prior art purposes against the pending application. Accordingly, inasmuch as Ruhnau is used in all of the claim rejections made under 35 U.S.C. §103(a) and is not eligible as prior art, it is believed that the pending rejections to the pending claims have been overcome.

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